

Scott Pruitt Is Seen Cutting the E.P.A. With a Scalpel, Not a Cleaver

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Scott Pruitt, President Trump's pick to run the Environmental Protection Agency, is drawing up plans to move forward on the president's campaign promise to "get rid of" the agency he hopes to head. He has a blueprint to repeal climate change rules, cut staffing levels, close regional offices and permanently weaken the agency's regulatory authority.

But Mr. Pruitt, a lawyer who made a career suing the E.P.A., is not likely to start with the kind of shock and awe that Mr. Trump has used to disorient Washington. Instead, he will use the legal tools at his disposal to pare back the agency's reach and power, and trim its budget selectively.

"Here's my impression about Pruitt: I don't think he's going in there to blow up the agency," said Jeffrey Holmstead, a senior E.P.A. official during the George W. Bush administration who has been mentioned as a possible deputy to Mr. Pruitt, and who has joined forces with him on lawsuits against the agency. "I think he'll be very careful to make sure they've done everything legally to cross all the t's and dot all the i's."

With a zeal that has shocked or thrilled much of the country, Mr. Trump has been making good on campaign promises that once seemed outlandish, and those pledges included a vow to dismantle the agency charged with protecting the nation's air, water and public health "in almost every form."

Myron Ebell, an internationally prominent climate-change denier who led Mr. Trump's E.P.A. transition team, has recommended that the new administration slash the E.P.A.'s staff by two-thirds, to 5,000 from about 15,000. And the president has promised to "eliminate" former President Barack Obama's major environmental regulations, including a global warming rule that was one of Mr. Obama's proudest achievements and another major regulation to curb pollution in lakes, streams and rivers.

"Environmental protection, what they do is a disgrace," Mr. Trump said after the election. "Every week they come out with new regulations."

But in Mr. Pruitt, who is expected to be confirmed by the Senate this week, the president has tapped a surgeon, not a butcher, to fulfill those pledges. As much as anyone, Mr. Pruitt knows the legal intricacies of environmental regulation — and deregulation. As Oklahoma's attorney general for the last six years, he has led or taken part in 14 lawsuits against the E.P.A.

His changes may not have the dramatic flair favored by Mr. Trump, but they could weaken the agency's authority even long after Mr. Trump has left office.

"The point here will be, more than in any prior administration, to reduce the agency's effectiveness so much that it can't recover even when the political winds change," said David Doniger, an E.P.A. lawyer in the Clinton administration who now works for the Natural Resources Defense Council, an advocacy group.

The problem with many of Mr. Trump's promises for the environmental agency is that they cannot be met quickly without violating the law.

Mr. Trump is expected to sign an executive action announcing the repeal of Mr. Obama's ambitious but contentious regulations on planet-warming carbon dioxide pollution soon after Mr. Pruitt is confirmed. But legally, it will be impossible for Mr. Trump, or Mr. Pruitt, to do that with the stroke of a pen. A completed regulation must go through the same arduous process to be reversed.

Even if he could kill the Obama-era Clean Power Plan outright, he would not eliminate a legal requirement for the E.P.A. to continue regulating greenhouse gas emissions. A repeal would simply force the Trump administration to write its own climate rule.

Mr. Pruitt's allies and advisers say that he is aware of the gap between Mr. Trump's demands and the requirements of the law, and that he is carefully plotting out a course to go after the E.P.A. with a scalpel rather than a meat cleaver.

Mr. Pruitt has not spoken to the news media since Mr. Trump nominated him in December. However, in his answers to senators during a January confirmation hearing, and in his written answers to over 1,000 follow-up questions, Mr. Pruitt made clear that while he is no fan of federal environmental regulations, he does intend to hew to the laws that require them.

"If confirmed, I will implement the laws that E.P.A. is charged to administer," he wrote to Senator Thomas Carper of Delaware, the senior Democrat on the Senate Environment and Public Works Committee.

Among those laws, Mr. Pruitt said in his answers, is the Clean Air Act provision requiring that the E.P.A. regulate the carbon dioxide pollution that warms the planet.

"I believe the administrator has an important role when it comes to the regulation of carbon dioxide," he wrote.

That indicates that if Mr. Trump repeals the Obama climate change rule, Mr. Pruitt is prepared to write a new Trump climate rule — but one that is far less environmentally aggressive and far friendlier to industry.

In 2014, as he prepared to sue the Obama administration over the climate change rules, Mr. Pruitt wrote a draft of what such a rule might look like, noting, “An anti-carbon agenda should not be forced upon the public through executive or administrative fiat.”

The Obama climate plan is aimed at transforming the nation’s electric power system, driving it away from fossil fuels to renewable sources of energy. It would most likely close most of the nation’s approximately 600 coal-fired power plants and replace them with wind and solar facilities, aiming to cut 2005 levels of greenhouse gas pollution nearly a third by 2030.

Mr. Pruitt’s draft climate rule is designed to leave most coal-fired power plants open, but require them to install energy-efficient technology to slightly lower their emissions.

“A rule like that might satisfy the letter of the law,” said Richard J. Lazarus, a professor of environmental law at Harvard, “and would probably cut emissions less than a quarter of the Obama rule.”

If the Pruitt-authored climate change rule withstood legal challenges, it could stand for decades, allowing the fossil fuel industry to thrive and planet-warming emissions to increase.

That approach would most likely be carried out throughout the E.P.A. under Mr. Pruitt’s guidance. For example, Mr. Trump wants to repeal the Obama water regulation, known as the Waters of the United States rule, which would make it a federal crime to pollute in most rivers, streams and wetlands across the country. Simply repealing that rule would create a thicket of new legal challenges, but Mr. Pruitt could replace it with water regulations that were more limited in scope.

Mr. Trump’s campaign calls to “get rid of” the E.P.A. in almost every form will probably run up against its own legal challenges, as will Mr. Ebell’s call to slash the E.P.A.’s staff. Experts say Mr. Pruitt is unlikely to follow through with such draconian cuts, since the E.P.A. is required to execute and enforce many laws, rules and programs, which requires staff members.

“You have to have enough people there to carry out the obligations that are required by law,” Mr. Holmstead said. “If you get an order from a judge and you violate it, then someone’s going to jail.”

Mr. Holmstead noted that if Mr. Pruitt successfully wrote his own new, more industry-friendly regulations, he would need a full staff of lawyers as well.

Congress will also have a say. For years, House Republicans sought to weaken and dismantle Mr. Obama's environmental rules, by proposing major budget cuts to the E.P.A. Some of those bills, which went nowhere, envisioned cuts to the E.P.A. of nearly 30 percent.

And those past bills offer a road map for the current Congress, said Representative Ken Calvert, the California Republican who is the chairman of the House spending panel that controls the E.P.A.'s budget. Last year, that panel proposed funding the E.P.A. at \$8 billion, cutting just \$291 million from Mr. Obama's request. And it froze staffing at the current levels of about 15,000, far from the 5,000 proposed by Mr. Ebell.

Mr. Calvert said he did not anticipate cutting the E.P.A.'s popular state grant programs, which fund projects like converting abandoned brownfields into sports stadiums and other public facilities.

While keeping those programs and the many E.P.A. offices required by law, Mr. Calvert's budget would trim the E.P.A.'s resources for regulatory enforcement by about 6 percent.

Many of those cuts are likely to come from the E.P.A.'s state and regional offices, where employees are charged with overseeing and enforcing federal rules. Such cuts would line up with Mr. Pruitt's preferred approach of regulation as well — getting federal officials off the backs of states.

"Most states already have their own environmental programs," Mr. Calvert said. "We're going to have to take a look at that, and start running things more efficiently."